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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JUAN E. HERNANDEZ-
14 HERNANDEZ,

15 Defendant.

CASE NO. 2:22-CR-00101-JHC

ORDER

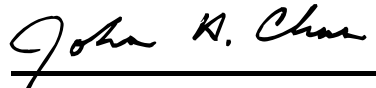
16 Before the court is Defendant Juan E. Hernandez-Hernandez's motion to withdraw
17 guilty plea and for appointment of new counsel.¹ *See* Dkt. # 42. Mr. Hernandez-
18 Hernandez is represented by counsel. *See generally* Dkt. Therefore, Mr. Hernandez-
19 Hernandez may not file a *pro se* motion unless he complies with the requirements of
20 Local Civil Rule 83.2(b)(5), which applies in criminal cases, too. *See* Local Criminal

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22 ¹ The Court notes that Mr. Hernandez-Hernandez's counsel has already filed a motion to
withdraw his guilty plea. Dkt. # 41.

1 Rule 1(a) (adopting Local Civil Rule 83.2(b) for criminal proceedings). Local Civil Rule
2 83.2(b)(5) requires that a represented party seeking to appear or act *pro se* must
3 “request[] by motion to proceed on his or her own behalf, certif[y] in the motion that he
4 or she has provided copies of the motion to his or her current counsel and to the opposing
5 party, and [receive from the court] an order of substitution by the court terminating the
6 party’s attorney.” *See also United States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981)
7 (“A criminal defendant does not have an absolute right to both self-representation and the
8 assistance of counsel. . . . Whether to allow hybrid representation remains within the
9 sound discretion of the trial judge.”). In other words, before Mr. Hernandez-Hernandez
10 is allowed to request the kind of relief he seeks, he must file a motion to proceed *pro se*
11 which certifies that he provided copies of the motion to his own counsel and opposing
12 counsel, and must wait for a court order allowing him to proceed *pro se*. The court
13 directs Mr. Hernandez-Hernandez to contact his counsel to discuss his current situation
14 and the relief he seeks.

15 Because Mr. Hernandez-Hernandez improperly filed his motion *pro se*, the Court
16 STRIKES the motion (Dkt. # 42) from the docket.

17 Dated this 26th day of January, 2023.

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20 John H. Chun
21 United States District Judge
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